REMARKS

Summary of Office Action

Claims 1-16, 23-25, and 31-41 were pending in this application.

The Examiner said that applicants' arguments filed in the September 19, 2005 Reply To Final Office Action have been considered but are moot in view of new grounds of rejection.

The Examiner rejected claims 1-16, 23-25, and 31-41 under 35 U.S.C. § 101 as raising a question as to whether the language of the claims is directed to statutory subject matter.

Claims 1, 2, 6, and 14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Huang et al. U.S. Patent No. 6,593,936 (hereinafter "Huang").

Dependent claims 3-5 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan et al. U.S. Patent No. 6,236,395 (hereinafter "Sezan").

Dependent claim 7 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Scott et al. U.S. Patent No. 5,675,752.

Dependent claim 8 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Foreman et al. U.S. Patent No. 6,628,303 and Lawler et al. U.S. Patent No. 5,907,323.

Dependent claim 9 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Berhan U.S. Patent No. 6,487,145.

Dependent claim 10 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Reimer et al. U.S. Patent No. 6,065,042.

Dependent claim 11 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Landis U.S. Patent No. 5,659,368 and Cane et al. U.S. Patent No. 6,157,931.

Dependent claim 12 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sezan and further in view of Murphy et al. U.S. Patent No. 6,625,810.

Dependent claim 13 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Sheth et al. U.S. Patent No. 6,311,194 (hereinafter "Sheth").

Independent claims 15 and 16 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Montgomery et al. U.S. Patent No. 6,380,950 (hereinafter "Montgomery") and Hendricks et al. U.S. Patent No. 5,659,350 (hereinafter "Hendricks").

Independent claims 23 and 24 have been rejected under 35 U.S.C. § 103(a) as being obvious from Sezan in view of Huang.

Independent claim 25 has been rejected under 35 U.S.C. § 103(a) as being obvious from Sheth in view of Huang.

Dependent claims 31, 32, 37, and 40 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Rabne et al. U.S. Patent No. 6,006,332 (hereinafter "Rabne").

Dependent claims 33 and 34 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Rabne and Rivera et al. U.S. Patent No. 6,056,786.

Dependent claim 35 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Rabne and further in view of Rose et al. U.S. Patent No. 5,752,244 (hereinafter "Rose").

Dependent claim 36 has been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Rabne and Hurtado et al. U.S. Patent No. 6,418,421.

And dependent claims 38, 39, and 41 have been rejected under 35 U.S.C. § 103(a) as being obvious from Huang in view of Rose.

Summary of Applicants' Reply

Applicants have amended independent claims 1, 14-16, and 23-25 to more particularly define the invention, and have added new dependent claims 42-44.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

The Rejection of Claims 1-16, 23-25, and 31-41 Under 35 U.S.C. § 101

Claims 1-16, 23-25, and 31-41 were rejected under 35 U.S.C. § 101 because the Examiner said "the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. § 101."

These rejections are respectfully traversed.

With respect to computer-related inventions, descriptive material is "nonstatutory when claimed as descriptive material *per se*." MPEP § 2106(IV)(B)(1); emphasis added.

"When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory

in most cases since use of technology permits the function of the descriptive material to be realized." *Id.*; emphasis added.

"'[F]unctional descriptive material' consists of data structures ... which impart functionality when employed as a computer component." *Id.*; emphasis added.

Plainly, the defined DTD is functional descriptive material: "By consulting the DTD ... a program called a parser ... can work with the markup codes ..." (applicants' specification, page 13, lines 21-23). Moreover, as is known in the art, "[a]pplications will use a document's DTD to properly read and display a document's contents" (Webopedia Computer Dictionary (www.webopedia.com)). And, as also known in the art, an "application can use a ... DTD to verify that data ... receive[d] from the outside world is valid," and "[y]ou can also use a DTD to verify your own data" (www.xmlfiles.com/dtd/dtd_intro.asp).

Independent claims 1 and 14-16 have been amended to recite that the claimed DTD is "stored on a computer readable medium for use in storing, retrieving, searching, or tracking digital assets stored in one or more databases." Independent claims 23-25 have been amended to recite that the claimed database and DTD are stored on first and second computer readable mediums, respectively.

The subject matter of amended independent claims 1, 14-16, and 23-25 and dependent claims 2-13, 31-41 should thus be statutory.

Accordingly, applicants respectfully request that the rejections of claims 1-16, 23-25, and 31-41 under 35 U.S.C. § 101 be withdrawn.

The Rejections of Claims 1, 2, 6, and 14 Under 35 U.S.C. § 102(e)

Independent claims 1 and 14 and dependent claims 2 and 6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Huang.

These rejections are respectfully traversed.

Huang "relates to the description of synthetic audiovisual content" (Huang column 1, lines 22-23; emphasis added; *see also, e.g.,* Huang's title: "Synthetic Audiovisual Description Scheme ...;" emphasis added.)

Huang discloses that "[w]hile image and video are 'natural' representations ..., graphics and animation are 'synthetic' representations ... often generated using parametric models on a computer" (Huang column 2, lines 56-60).

Huang further discloses that "text-to-speech or Musical Instrument Digital Interface (MIDI) are representations of 'synthetic' sound generated via a model on a computer or computerized synthesizer," while "speech and audio are natural representations of 'natural' sound captured using a microphone" (Huang column 2, lines 60-65).

Huang is therefore limited to "providing a method and system for describing synthetic audiovisual content" (Huang column 3, lines 57-58; emphasis added).

Applicants' invention is in no way limited to "synthetic" audiovisual content. To the contrary, applicants' invention "relates to data definitions that allow disparate types of digital assets ... to be easily and economically stored, retrieved, and tracked" (applicants' specification, page 1, lines 9-12; emphasis added).

Independent claims 1 and 14 have been amended to require that the DTD comprise declared elements and attributes for at least one type of digital asset selected from the

group consisting of "audio recordings and video recordings" --- that is, "natural" or non-"synthetic" digital assets (as defined by Huang).

Huang plainly does not disclose a method or system for describing such non-synthetic content. Furthermore, Huang provides no motivation whatsoever for combining its synthetic content description with any other type of content description.

Thus, independent claims 1 and 14 are not anticipated by or rendered obvious from Huang and should be allowable.

For at least the reasons discussed above with respect to independent claim 1, dependent claims 2 and 6, which depend from claim 1, are also not anticipated by Huang (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 1, 2, 6, and 14 under 35 U.S.C. § 102(e) be withdrawn.

The Rejections of Dependent Claims 3-5, 7-13 and 31-41 Under 35 U.S.C. § 103(a)

Dependent claims 3-5, 7-13, and 31-41 were rejected under 35 U.S.C. § 103(a) as being obvious from Huang in combination with one or more other cited references (*see, supra,* Summary of Office Action).

These rejections are respectfully traversed.

For at least the reasons discussed above with respect to independent claim 1, from which dependent claims 3-5, 7-13, and 31-41 depend directly or indirectly, these dependent claims are not obvious from the combination of Huang and any other cited reference (i.e., dependent claims are patentable if their independent claim is patentable).

Accordingly, applicants respectfully request that the rejections of claims 3-5, 7-13 and 31-41 under 35 U.S.C. § 103(a) be withdrawn.

The Rejections of Independent Claims 15 and 16 Under 35 U.S.C. § 103(a)

Independent claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Huang, Montgomery, and Hendricks.

These rejections are respectfully traversed.

Amended claims 15 and 16 both define a DTD requiring declared elements and attributes for at least one type of "natural" or non-"synthetic" digital asset (e.g., audio and/or video).

As discussed above, Huang is limited to descriptions of synthetic audiovisual content (e.g., computer generated graphics, animation, MIDI, etc.).

Montgomery is directed to "production in a personal computer environment of low bandwidth images and audio" (Montgomery column 3, lines 8-10). Montgomery does not in any way teach or suggest DTDs, much less a DTD as defined in applicants' amended claims 15 or 16.

Hendricks is directed to "a center for controlling the operations of a digital television program delivery system" (Hendricks column 3, lines 5-6). Hendricks also does not in any way teach or suggest DTDs, much less a DTD as defined in applicants' amended claims 15 or 16.

Thus, the combination of Huang, Montgomery, and Hendricks does not in any way result in applicants' invention as defined in either amended claim 15 or amended claim 16.

Thus, claims 15 and 16 are not rendered obvious from the combination of Huang, Montgomery, and Hendricks.

Accordingly, applicants respectfully request that the rejections of claims 15 and 16 under 35 U.S.C. § 103(a) be withdrawn.

The Rejections of Independent Claims 23 and 24 Under 35 U.S.C. § 103(a)

Independent claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Sezan and Huang.

These rejections are respectfully traversed.

Amended claims 23 and 24 each define a digital asset library comprising, among other things, a DTD. Claim 23 requires the DTD to include declared elements and attributes for photographs, video recordings, and audio recordings, while claim 24 requires the DTD to include declared elements and attributes for photographs, video recordings, and text documents.

As discussed above, Huang is limited to descriptions of synthetic audiovisual content (e.g., computer generated graphics, animation, MIDI, etc.) and thus does not anticipate either claim 23 or 24.

Sezan does not make up for the deficiencies of Huang.

As discussed in applicants' September 19, 2005 Reply To Final Office Action, the only disclosure of a DTD in Sezan is in an XML example of its description schemes, beginning in column 14, line 53. The reference is to an external DTD file entitled "mpeg-7.dtd" (*see, e.g., id.* at line 54). The content of this DTD file is not disclosed.

Moreover, neither Sezan nor Huang provides any motivation whatsoever for being combined with the other: Huang is directed to descriptions of only synthetic audiovisual content and Sezan is directed to descriptions of apparently only video programs.

Thus, even if Sezan and Huang were combined, they would not result in applicants' invention as defined in amended claims 23 and 24. Neither reference discloses a DTD requiring declared elements and attributes for photographs, audio recordings, or text documents.

Therefore, claims 23 and 24 are not rendered obvious from the combination of Sezan and Huang.

Accordingly, applicants respectfully request that the rejections of claims 23 and 24 under 35 U.S.C. § 103(a) be withdrawn.

The Rejection of Independent Claim 25 Under 35 U.S.C. § 103(a)

Independent claim 25 was rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Sheth and Huang.

This rejection is respectfully traversed.

Amended claim 25 defines a digital asset library comprising, among other things, a DTD requiring declared elements and attributes for at least one type of "natural" or non-"synthetic" digital asset, such as an audio or video recording.

As discussed above, Huang is limited to descriptions of synthetic audiovisual content (e.g., computer generated graphics, animation, MIDI, etc.) and thus does not anticipate claim 25.

Sheth does not make up for the deficiencies of Huang.

As discussed in applicants' September 19, 2005 Reply To Final Office Action, Sheth does not in any way teach or suggest a DTD having declared elements and attributes for more than one type of asset as defined by applicants.

Moreover, neither Sheth nor Huang provides any motivation whatsoever for being combined with the other.

In particular, Sheth explicitly teaches away from having multiple types of assets in its description of creating XML files:

> "The extractor scans the Web page content for pieces of text that match the pattern specified by the extraction rules" (column 11, lines 50-52).
>
> "These rules list the metadata attributes for the type of media that this site contains" (column 11, lines 43-45; emphasis added).
>
> "After the extractor has attempted to find every attribute in its list of extraction rules, it creates an XML document.... An example of such an XML document is shown in FIG. 6" (column 11, lines 52-56).
>
> "The XML document ... contains the asset type" (column 12, lines 37-39; emphasis added).

Sheth consistently refers to the content of the XML document as being of a single type: "the type of media" and "the asset type." Seth explains that its extractors scan for (and thus create XML documents of) only one type of media because "[t]he set of attributes associated with, for example, a news video (reporter, location, event date, etc.) is different from the set of attributes associated with a sports highlight (teams, players, score etc)" (column 11, lines 46-50).

Nowhere does Sheth disclose or suggest a single DTD having elements and attributes of two or more types of media.

Therefore, the combination of Sheth and Huang is improper, and even if combined, would not result in applicants' invention as defined in amended claim 25. Thus, claim 25 is not rendered obvious from that combination.

Accordingly, applicants respectfully request that the rejection of claim 25 under 35 U.S.C. § 103(a) be withdrawn.

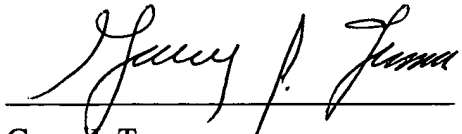
New Dependent Claims 42-44

New dependent claims 42-44 depend respectively from independent claims 23, 24, and 25. Accordingly, for at least the reasons discussed above with respect to those independent claims, dependent claims 42-44 should also be allowable (i.e., dependent claims are patentable if their independent claim is patentable).

Conclusion

The foregoing demonstrates that claims 1-16, 23-25, and 31-44 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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